

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATHANIEL BELL, Plaintiff, v. CAMERON LINDSAY, et al. Defendants.	: : : : : : :	CIVIL ACTION NO. 14-3406
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ORDER

AND NOW, this 23rd day of July 2015, upon consideration of the pending motions and any responses thereto, it is hereby **ORDERED** that:

1. Plaintiff's Motion to Proceed in Forma Pauperis [Doc. No. 33] is **DISMISSED AS MOOT**. The Court granted Plaintiff's earlier motion to proceed *in forma pauperis* by Order dated July 9, 2014.

2. Defendants' Motions to Dismiss the First Amended Complaint [Doc. Nos. 29 and 30], are **GRANTED in part** and **DENIED in part** as follows:

a. The Motion to Dismiss as to Defendant Hartshorn is **GRANTED** and the claims against this Defendant are **DISMISSED**.

b. The Motion to Dismiss as to Defendant Asante is **GRANTED** and the claims against this Defendant are **DISMISSED**.

c. The Motion to Dismiss as to Defendants Lindsay and Byrne is **GRANTED** and the claims against these Defendants are **DISMISSED**.

d. Plaintiff's claims under the Americans with Disabilities Act are **DISMISSED**.

e. Plaintiff's claims under the First Amendment (Access to Courts) and the Sixth Amendment are **DISMISSED**.

f. Plaintiff's claims under the Eighth and Fourteenth Amendments relating to prison overcrowding are **DISMISSED**.

g. The Motion to Dismiss is **DENIED** as to the deliberate indifference claims under the Eighth and Fourteenth Amendments as to Defendants Smith and Phillips.

3. Defendants Smith and Phillips are directed to **ANSWER** the Amended Complaint within 21 days of the date of this order.

It is so **ORDERED**.

BY THE COURT:

/s/Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.